



Focus

Reducing Local Toxic Waste Liability

Background

For more than 10 years, local health and public works departments have developed and carried out programs for safely managing hazardous wastes generated by households and small businesses. These “moderate-risk waste” (MRW) programs were established as a result of 1985 changes to the Hazardous Waste Management Act. Through financial aid created by the Local Toxics Control Account, local governments have diverted millions of pounds of oil, antifreeze, paints, solvents and other hazardous wastes from solid-waste landfills to proper management in hazardous waste management facilities (HWMF). These MRW programs not only protect soils and ground water at homes and businesses from contamination; they also reduce counties’ liability for contaminated landfills.

Where do these wastes go? They are sent to privately operated hazardous waste management facilities inside and outside of Washington. Once delivered to a facility, the wastes are treated, stored, recycled or disposed.

Problem

From most points of view, the MRW management program in Washington is very successful, but there is an unforeseen problem. When the receiving HWMF goes out of businesses without properly shutting down, the customers that sent waste there may be left holding the liability for cleanup of waste that was improperly managed. That is happening with the **CleanCare Facility** in Tacoma. To date, waste removal costs by EPA have topped \$4.3 million, with costs for cleaning contaminated soils and ground water unknown. We know that up to 3,000 customers may be potentially liable for cleanup costs. These include some 50 local and state agencies that used CleanCare.

Moderate-risk wastes (MRW) are hazardous wastes generated by thousands of households & small businesses across the state.

Health and public works agencies at the county & city levels operate MRW programs.

The Department of Ecology provides grants to local agencies to operate MRW programs. Grants are funded through the Local Toxics Control Account.

In 1998, local agencies in Washington operated 47 MRW facilities and conducted 77 waste turn-in events. 17.7 million pounds of moderate-risk waste were collected, including:

- 8 million pounds of household hazardous waste
- 10 million pounds of used oil
- ½ million pounds of small-business hazardous waste.

Potential Solution

A solution being sought by Ecology is to create a financial safety net for local agencies. These local agencies have done the right thing by implementing MRW programs and, through no fault of their own, are faced with financial liability for cleaning up facilities to which they have shipped wastes.

A one-time allocation of \$1 million from the Local Toxics Control Account is being requested to help local agencies pay for their cleanup liability. **If approved by the Legislature, this funding will assist local governments that are exposed to cleanup liability because they implemented MRW programs that are good for the environment, good for citizens and required by the State Hazardous Waste Management Act.**

For Information

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Additional Note

A related budget package ("Improving Hazardous Waste Management") describes Ecology's request for \$500,000 to assess the need for long-term changes aimed at improving the environment and financial health of HWMF facilities. The objective is to ensure that a CleanCare situation does not happen again.